

AMENDED IN SENATE MAY 27, 2005

AMENDED IN SENATE APRIL 20, 2005

**SENATE BILL**

**No. 559**

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**Introduced by Senator Torlakson**

February 18, 2005

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An act to amend Sections 51222, 51241, and 60800 of the Education Code, relating to physical education.

LEGISLATIVE COUNSEL'S DIGEST

SB 559, as amended, Torlakson. Physical education.

Existing law requires a pupil in grades 7 to 12, inclusive, to attend physical education courses for no less than 400 minutes each 10 schooldays.

This bill would define a physical education class as one in which each pupil is required to actively participate.

Existing law permits a pupil in grade 10, 11, or 12 to be excused from physical education classes, as provided, in order to participate in automobile driver training.

This bill would delete those provisions.

Existing law authorizes the governing board of a school district and the office of the county superintendent of schools of a county to grant a permanent exemption from courses in physical education if the pupil complies with one of several criteria, including, among others, that the pupil is 16 years of age or older and has been enrolled in ~~the 10th~~ grade 10 for one academic year or longer.

This bill would delete that exemption with respect to a pupil who is 16 years of age or older and has been enrolled in ~~the 10th~~ grade 10 for one academic year or longer, and would make conforming changes.

Existing law requires the governing board of a school district maintaining any of grades 5, 7, and 9 to administer to each pupil in

those grades a physical performance test designated by the State Board of Education, ~~and requires pupils to be provided with their individual results after completing the physical performance testing.~~

This bill would require the governing boards of school districts to also administer those physical performance tests to pupils in grade 3. ~~The bill would require the physical performance test results of a pupil to be mailed to the parent or guardian of the pupil, as provided.~~ By extending these tests to pupils in grade 3 ~~and requiring the test results to be mailed to parents and guardians,~~ the bill would impose a state-mandated local program.

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that, if the Commission on State Mandates determines that the bill contains costs mandated by the state, reimbursement for those costs shall be made pursuant to these statutory provisions.

Vote: majority. Appropriation: no. Fiscal committee: yes.  
State-mandated local program: yes.

*The people of the State of California do enact as follows:*

- 1 SECTION 1. The Legislature finds and declares all of the
- 2 following:
- 3 (a) A lack of adequate physical activity and appropriate
- 4 nutrition has greatly contributed to the epidemic levels of obesity
- 5 found in California.
- 6 (b) Obesity is a key risk factor associated with a number of
- 7 health problems including heart disease, diabetes, some cancers,
- 8 hypertension, gallbladder disease, musculoskeletal disorders, and
- 9 mental health.
- 10 (c) According to the State Department of Health Services, the
- 11 costs of obesity in California are estimated to equal more than
- 12 \$21.7 billion in health care costs, workers' compensation costs,
- 13 and lost productivity.
- 14 (d) According to the State Department of Education, healthy,
- 15 active, and well nourished children are more likely to attend
- 16 school and are more prepared and motivated to learn.

1 (e) Healthy children are also more likely to grow up as healthy  
2 adults and are less likely to develop costly and harmful health  
3 problems.

4 (f) California's youth have the potential to advance the  
5 generational change necessary for reversing and preventing the  
6 devastating consequences of such an epidemic.

7 (g) Physical education can provide for necessary physical  
8 activity while motivating a child to maintain healthy eating habits  
9 and to engage in regular physical activity as an aspect of one's  
10 lifestyle.

11 (h) The State Board of Education has recently adopted content  
12 standards for physical education, and, to the extent resources are  
13 available, it is the intent of the Legislature to provide physical  
14 education teachers with appropriate training that aligns with  
15 these standards.

16 SEC. 2. Section 51222 of the Education Code is amended to  
17 read:

18 51222. (a) A pupil, except a pupil excused or exempted  
19 pursuant to Section 51241, shall be required to attend a physical  
20 education class for a total period of time of not less than 400  
21 minutes each 10 schooldays. A physical education class is one in  
22 which each pupil is required to actively participate.

23 (b) The governing board of a school district that maintains a  
24 high school and that elects to exempt a pupil from required  
25 attendance in physical education courses pursuant to subdivision  
26 (b) of Section 51241 shall offer that pupil a variety of elective  
27 physical education classes of not less than 400 minutes each 10  
28 schooldays.

29 SEC. 3. Section 51241 of the Education Code, as amended by  
30 Section 2 of Chapter 459 of the Statutes of 2003, is amended to  
31 read:

32 51241. (a) The governing board of a school district or the  
33 office of the county superintendent of schools of a county may  
34 grant temporary exemption to a pupil from courses in physical  
35 education, if the pupil is either of the following:

36 (1) Ill or injured and a modified program to meet the needs of  
37 the pupil cannot be provided.

38 (2) Enrolled for one-half, or less, of the course work normally  
39 required of full-time pupils.

(b) The governing board of a school district or the office of the county superintendent of schools of a county may, with the consent of a pupil, grant the pupil exemption from courses in physical education for two years any time during grades 10 to 12, inclusive.

(c) The governing board of a school district or the office of the county superintendent of schools of a county may grant permanent exemption from courses in physical education if the pupil complies with either of the following:

(1) Is enrolled as a postgraduate pupil.

(2) Is enrolled in a juvenile home, ranch, camp, or forestry camp school where pupils are scheduled for recreation and exercise pursuant to the requirements of Section 4346 of Title 15 of the California Code of Regulations.

(d) A pupil exempted under subdivision (b) may not be permitted to attend fewer total hours of courses and classes if he or she elects not to enroll in a physical education course than he or she would have attended if he or she had elected to enroll in a physical education course.

(e) Notwithstanding any other law, the governing board of a school district may administer to pupils in grades 10 to 12, inclusive, the physical performance test required in 9th grade pursuant to Section 60800.

(f) This section shall remain in effect only until June 30, 2007, and as of that date is repealed, unless a later enacted statute, that is enacted before June 30, 2007, deletes or extends that date.

SEC. 4. Section 51241 of the Education Code, as added by Section 3 of Chapter 459 of the Statutes of 2003, is amended to read:

51241. (a) The governing board of a school district or the office of the county superintendent of schools of a county may grant temporary exemption to a pupil from courses in physical education, if the pupil is either of the following:

(1) Ill or injured and a modified program to meet the needs of the pupil cannot be provided.

(2) Enrolled for one-half, or less, of the work normally required of full-time pupils.

(b) (1) The governing board of a school district or the office of the county superintendent of schools of a county may, with the consent of a pupil, if the pupil has passed the physical

1 performance test administered in the 9th grade pursuant to  
2 Section 60800, grant the pupil exemption from courses in  
3 physical education for two years any time during grades 10 to 12,  
4 inclusive.

5 (2) Pursuant to Sections 51210, 51220, and 51222, physical  
6 education is required to be offered to all pupils, and schools are,  
7 therefore, required to provide adequate facilities and instructional  
8 resources for that instruction. In this regard, paragraph (1) shall  
9 be implemented in a manner that does not create a new program  
10 or impose a higher level of service on a local educational agency.  
11 Paragraph (1) does not mandate any overall increase in staffing  
12 or instructional time because, pursuant to subdivision (d), pupils  
13 are not permitted to attend fewer total hours of class if they do  
14 not enroll in physical education. Paragraph (1) does not mandate  
15 any new costs because any additional physical education  
16 instruction that a local educational agency provides may be  
17 accomplished during the existing instructional day, with existing  
18 facilities. Paragraph (1) does not prevent a local educational  
19 agency from implementing any other temporary or permanent  
20 exemption authorized by this section.

21 (c) The governing board of a school district or the office of the  
22 county superintendent of schools of a county may grant  
23 permanent exemption from courses in physical education if the  
24 pupil complies with either of the following:

25 (1) Is enrolled as a postgraduate pupil.

26 (2) Is enrolled in a juvenile home, ranch, camp, or forestry  
27 camp school where pupils are scheduled for recreation and  
28 exercise pursuant to the requirements of Section 4346 of Title 15  
29 of the California Code of Regulations.

30 (d) A pupil exempted under paragraph (1) of subdivision (b)  
31 may not attend fewer total hours of courses and classes if he or  
32 she elects not to enroll in a physical education course than he or  
33 she would have attended if he or she had elected to enroll in a  
34 physical education course.

35 (e) Notwithstanding any other law, the governing board of a  
36 school district may also administer to pupils in grades 10 to 12,  
37 inclusive, the physical performance test required in 9th grade  
38 pursuant to Section 60800. A pupil who passes this physical  
39 performance test in any of grades 10 to 12, inclusive, is eligible  
40 for an exemption pursuant to subdivision (b).

1 (f) This section shall become operative on July 1, 2007.

2 SEC. 5. Section 60800 of the Education Code is amended to  
3 read:

4 60800. (a) During the month of February, March, April, or  
5 May, the governing board of each school district maintaining any  
6 of grades 3, 5, 7, and 9 shall administer to each pupil in those  
7 grades the physical performance test designated by the state  
8 board. Each pupil who is physically disabled and each pupil who  
9 is physically unable to take all of the physical performance test  
10 shall be administered as much of the test as his or her condition  
11 will permit.

12 (b) Upon request of the department, a school district shall  
13 submit, at least once every two years, the results of its physical  
14 performance testing.

15 (c) The department shall compile the results of the physical  
16 performance test and submit a report every two years, by  
17 December 31, to the Legislature and Governor that standardizes  
18 the data, tracks the development of high-quality fitness programs,  
19 and compares the performance of California's pupils with  
20 national performance, to the extent that funding is available.

21 (d) Pupils shall be provided with their individual results after  
22 completing the physical performance testing. The test results may  
23 be provided orally as the pupil completes the testing. ~~The test~~  
24 ~~results of a pupil shall also be mailed to the parent or guardian of~~  
25 ~~the pupil along with the scores required to be provided pursuant~~  
26 ~~to Section 60643.~~

27 (e) The governing board of a school district shall report the  
28 aggregate results of its physical performance testing administered  
29 pursuant to this section in their annual school accountability  
30 report card required by Sections 33126 and 35256.

31 SEC. 6. If the Commission on State Mandates determines that  
32 this act contains costs mandated by the state, reimbursement to  
33 local agencies and school districts for those costs shall be made  
34 pursuant to Part 7 (commencing with Section 17500) of Division  
35 4 of Title 2 of the Government Code.

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2	CORRECTIONS:	
3	Text – Pages 4 and 6.	
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